



Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Brian Binzer, Director

STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2011-35

Legistar #: 20111017

Board of Zoning Appeals Hearing: Monday, November 28, 2011 – 6:00 p.m.

Property Owner: Sope Creek, LLC
Attn: Steve Martin
1950 Roswell Road
Marietta, GA 30068

Applicant: Same as above

Address: 1990 Roswell Road

Land Lot: 11000 District: 16 Parcel: 0010

Council Ward: 6 Existing Zoning: PRD-MF (Planned Residential Development – Multi-Family)

Special Exception / Special Use / Variance(s) Requested:

1. Variance to allow a sign with an interior angle of 60° be considered a double-faced sign. [Section 714.09 (41)] and Section 724.02 (Sign area)
2. Variance to reduce the required sign setback from 5' to 2'. [Section 714.04 (E)]
3. Variance to increase the allowable sign height from 10' to 20'. [Section 714.04 Table H]
4. Variance to increase the allowable sign structure area from 60 s.f. to 174 s.f. [Section 714.04 Table H]

Statement of Fact

As per section 720.03 of the Comprehensive Development Code of Marietta, the Board of Zoning Appeals may alter or modify the application of any such provision in the Development Code because of unnecessary hardship if doing so shall be in accordance with the general purpose and intent of these regulations, or amendments thereto, and only in the event the board determines that by such alteration or modification unnecessary hardship may be avoided and the public health, safety, morals and general welfare is properly secured and protected. In granting any variance the board of zoning appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of these regulations and may designate conditions to be performed or met by the user or property owner, out of regard for the public health, safety, comfort, convenience, and general welfare of the community, including safeguards for, with respect to light, air, areas of occupancy, density of population and conformity to any master plan guiding the future development of the city. The development costs of the applicant as they pertain to the strict compliance with a regulation may not be the primary reason for granting a variance.

Criteria:

1. Exceptional or extraordinary circumstances or conditions *are/are not* applicable to the development of the site that do not apply generally to sites in the same zoning district.
2. Granting the application *is/is not* necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.
3. Granting the application *will/will not* be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

PICTURES



Corner of Roswell Road and Greenbriar Parkway



Roswell Street frontage (looking west)

Recommended Action:

The applicant, Sope Creek, LLC, is requesting variances for the construction and placement of a new monument sign for the Falls at Sope Creek Apartments at the corner of Roswell Road and Greenbriar Parkway. The subject property is located at 1990 Roswell Road and is zoned PRD-MF (Planned Residential Development – Multifamily). The previous sign for the property was removed during a road widening project conducted by Cobb County. The variances being requested would allow a taller, larger sign be placed closer to the road than the Sign Ordinance would typically allow.

According to the definition of “sign area” in the Zoning Ordinance, the copy area of a “V” shaped sign with an internal angle of greater than 45° is considered as a single face. This would limit the total copy area of both sides of the sign to 60 s.f. It is unclear why the sign cannot be made with an interior angle of 45° or less and what hardship exists for making this request. Staff recommends denial of this variance request.

Size and height regulations for freestanding monument signs are determined by type of property (commercial versus multi-family) and road classification. A sign for a multi-family property (The Falls at Sope Creek) located on an arterial road (Roswell Road) is limited to 10 feet tall with no more than 60 square feet devoted to copy (panel) area and 60 square feet devoted to structure area.

	Height	Copy Area	Structure Area
Allowable	10'	60 s.f.	60 s.f.
Proposed	20'	60 s.f.	174 s.f.

The Cobb road project at this intersection has resulted in a slope beginning at the back of the sidewalk along Roswell Road and the back of the curb along Greenbriar Parkway, as well as a concrete wall behind the sidewalk along Roswell Road. Placing the sign out of the right of way will result in a sign at an elevation much lower than the road and will impair drivers' visibility of the main sign for the complex. The sign will be most obscured from west-bound traffic due to the concrete wall.

The concrete wall and disadvantageous topography created by the road project is a justifiable hardship; it seems reasonable to allow a height and structure area that would yield a sign where the entire sign face ('6x10') could be visible from both east- and west-bound traffic. Based on the elevations provided, the elevation at the base of the sign 2' from the property line is +1030, while the elevation of top of the wall is +1044. This means that the top six feet of a twenty foot tall sign will be visible over the top of the wall. And, in order to achieve the height, a larger structure area would be necessary. Staff recommends approval for the variances to increase both height and structure area.

The further the sign is placed from the road, the further down the slope the sign will be placed and the less visible the sign will be from the road. As a result, the applicant is requesting a setback variance to allow the sign to be placed 2' instead of the required 5' from the right of way. Since the placement of the sign will not affect sight distance, granting this request should not jeopardize the safety of the public. Staff recommends approval of this variance.

To summarize, staff recommends the following:

1. **Denial:** Variance to allow a sign with an interior angle of 60° be considered a double-faced sign.
2. **Approval:** Variance to reduce the required sign setback from 5' to 2'.
3. **Approval:** Variance to increase the allowable sign height from 10' to 20'.
4. **Approval:** Variance to increase the allowable sign structure area from 60 s.f. to 174 s.f.